

**REMARKS**

**Summary Of The Office Action & Formalities**

**Status of Claims**

Claims 1-8 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1-8 and adding new claims 9-15. No new matter is added.

**Claim to Foreign Priority**

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

**Information Disclosure Statement**

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on April 18, 2006.

**Claim Rejections - § 112**

Claims 1-8 are rejected under 35 U.S.C. § 112, second paragraph, for the reason set forth at page 2 of the Office Action. Applicant is amending the claims to overcome this rejection.

**Art Rejections**

1. Claims 1 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hardy (US 5,752,629).

2. Claims 1 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bougamont et al. (US 2003/0150882).

3. Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bougamont et al. (US 2003/0150882) in view of Maerte (US 4,830,284).

4. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hardy (US 5,752,629) in view of Trepina et al. (US 6,257,455).

5. Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bougamont et al. (US 2003/0150882).

Applicant respectfully traverses.

**Claim Rejections - 35 U.S.C. § 102**

***1. Claims 1 And 5 In View Of Hardy (US 5,752,629).***

In rejecting claims 1 and 5 in view of Hardy (US 5,752,629), the grounds of rejection state:

Hardy in figures 2-5 discloses a fluid product dispensing device 200, 210 with a fluid reservoir 212 and a dispensing unit 230 pump 230, 252 to dispense the fluid in the fluid reservoir 212, the dispensing head 230, 252 manually actuates the dispensing unit 230, 249, the reservoir being a single piece 210 with (this is embodiment "a") one orifice 270 adapted to hold a filter 284 to filter air 284 (col. 8, lines 45-67) entering the reservoir 212 at all times, the orifice 270 is located on the sidewall 270 of the reservoir 210 (see figure 5).

Office Action at pages 2-3.

Applicant respectfully disagrees, as Hardy simply does not disclose a reservoir having an orifice holding an air filter, as claimed.

*On the contrary*, in Hardy, the filter is clearly disclosed as being located in a vent aperture 270 ***provided on the separate pump's housing 220***, and the pump housing is sealingly attached to the reservoir (see column 8, lines 34-35 and lines 59-61 and Fig. 5).

Embodiment (a) of claim 1 requires the reservoir to be a single piece and provided with the orifice. That is, the recited orifice is made in the single piece reservoir.

This structure is clearly not disclosed in Hardy, where the housing having the orifice is attached to the reservoir.

In view of at least the foregoing distinction, the Examiner is kindly requested to reconsider and withdraw this rejection.

*2. Claims 1 And 8 In View Of Bougamont et al. (US 2003/0150882).*

In rejecting claims 1 and 8 in view of Bougamont et al. (US 2003/0150882), the grounds of rejection state:

Bougamont in figures 2-2C discloses a fluid product dispenser (see figure 2A) with a reservoir R containing a fluid product (paragraph 0025) with a pump P that dispenses the product of the fluid reservoir with a dispensing head K to actuate the pump P the reservoir R is a single piece with (this is embodiment “b”) a neck seal J with a raised ring or bump R (see figure 2A) for the seal J to serve as a reception profile for the seal J that is held in place by the ferrule D.

Office Action at page 3. Applicant again respectfully disagrees.

Bougamont does not describe or suggest a neck seal *over moulded* (which is a structural limitation) on the reservoir’s neck, as required in embodiment (b) of claim 1.

The grounds of rejection refer to a raised ring or bump on the neck, but such a profile only provides an improved sealing after assembly of the ferrule D. It is clearly stated in Bougamont that the gasket J is held captive on the neck by crimping of the metal assembly ring D (ferrule), see page 1, § [0026].

In view of at least the foregoing distinction, the Examiner is kindly requested to reconsider and withdraw this rejection.

Applicant further notes that none of the other cited documents disclose or suggest embodiments (a) or (b) of claim 1.

**New Claims**

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 9-15. Claim 9-12 are allowable at least by reason of their respective dependencies. Claims 13-15 are allowable at least because none of the other cited documents disclose or suggest embodiments (a) or (b) of claim 13.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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